

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DETCO INDUSTRIES, INC.

PLAINTIFF

VS.

CAUSE NO. 3:06-cv-115WS

LARRY HANEY

DEFENDANT

AMENDED ORDER OF REMAND

THIS CAUSE having come before the court on plaintiff's Motion to Remand, and the court, finding that said motion is well taken and should be granted, finds as follows:

I.

The plaintiff herein is Detco Industries, Inc., which filed this complaint in this matter in the Circuit Court of Faulkner County, Arkansas, First Division, on January 25, 2006.

II.

The defendant herein is Larry Haney, a Mississippi citizen. On February 24, 2006, the defendant filed his Notice of Removal with this court.

III.

Plaintiff herein brings a breach of contract claim and is suing defendant for monies allegedly owed under an Independent Distributor Agreement. Plaintiff says that it advanced defendant money on a credit account.

IV.

Defendant Haney removed this lawsuit from the Arkansas state court to this Mississippi United States District Court asserting that this court has federal subject matter jurisdiction based upon diversity of citizenship and an amount in controversy in excess of the \$75,000.00 jurisdictional minimum.

V.

Plaintiff has submitted its motion asking this court to remand this matter to the Arkansas state court. This court is so persuaded.

VI.

As required by 28 U.S.C. 1332, the amount in controversy has not been met in this matter. Plaintiff's claim is for \$42,986.02, which falls below the requisite \$75,000.00, exclusive of costs and interest. Therefore, 28 U.S.C. 1332 is not a proper basis for removal on this point alone.

VII.

Further, Title 28 U.S.C. § 1441(a) does not permit removal from the Arkansas state court to a United States District Court in Mississippi.

VIII.

It is therefore, ORDERED AND ADJUDGED that this cause be remanded to the Circuit Court of Faulkner County, Arkansas, First Division, with all costs, expenses and attorney's fees taxed to the defendant.

SO ORDERED, this the 29th day of December, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

Civil Action No. 3:06-CV-115WS

Order